

State of Wisconsin



1997 Senate Bill 258

Date of enactment: **April 27, 1998**

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1997 WISCONSIN ACT 175

AN ACT *to repeal* 15.407 (1) (b), 448.03 (3) (c), 448.03 (4) (title), 448.04 (1) (d), 448.05 (3) and 448.10 (2); *to renumber* 448.01 (1), 448.01 (9g), 448.01 (9m), 448.075 (1) (b) 1., 2. and 3. and subchapter IV of chapter 448 [precedes 448.70]; *to renumber and amend* 448.01 (7), 448.01 (8), 448.01 (11), 448.03 (4), 448.075 (title), 448.075 (1) (intro.), 448.075 (1) (a), 448.075 (1) (b) (intro.) and 448.075 (2); *to amend* 15.08 (1m) (b), 15.085 (1m) (b), 15.406 (2) (a) 1., 49.45 (3) (k), 50.09 (6) (b), 50.36 (3), 50.39 (3), 146.37 (1g), 146.81 (1) (em), 180.1901 (1m) (br), 252.10 (7), 252.14 (1) (ar) 4m., 448.01 (2g), 448.01 (2r), 448.01 (5), 448.01 (6), 448.01 (12), 448.02 (1), 448.02 (3) (a), 448.02 (4), 448.02 (6), 448.03 (1), 448.03 (2) (intro.), 448.03 (2) (c), 448.03 (2) (d), 448.03 (2) (e), 448.03 (3) (f) 3. a., 448.03 (3) (g) 3. a., 448.03 (5) (a), 448.04 (1) (c), 448.04 (3), 448.05 (1) (d), 448.07 (1) (a), 448.07 (1) (d), 448.07 (2), 448.08 (1m), 448.08 (2), 448.08 (4), 448.09 (1), 448.09 (2), 448.10 (5), 448.11, 448.13 (1), 448.21 (1) (d), 448.40 (1), 448.86 (1), 450.10 (3) (a) 5m., 450.11 (8) (b), 632.895 (1) (b) 5. b. and 655.45 (1); and *to create* 15.406 (3), 180.1901 (1m) (bk), 448.015 (intro.), subchapter IV of chapter 448 [precedes 448.60] and 450.11 (8) (bm) of the statutes; **relating to:** the regulation and licensure of podiatrists, abolishing the podiatry examining council and creating a podiatrists affiliated credentialing board, granting rule-making authority and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (1m) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing and speech examining board, the medical examining board, ~~podiatry examining council~~, occupational therapy examining council, respiratory care practitioners examining council and council on physician assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board, the examining board of social workers, marriage and family therapists and professional counsel-

ors and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.085 (1m) (b) of the statutes is amended to read:

15.085 (1m) (b) The public members of the physical therapists affiliated credentialing board and the podiatrists affiliated credentialing board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 3. 15.406 (2) (a) 1. of the statutes is amended to read:

15.406 (2) (a) 1. Three dietitians who are certified under subch. IV V of ch. 448.

SECTION 4. 15.406 (3) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

15.406 (3) **PODIATRISTS AFFILIATED CREDENTIALING BOARD.** There is created in the department of regulation and licensing, attached to the medical examining board, a podiatrists affiliated credentialing board consisting of the following members appointed for 4-year terms:

(a) Three podiatrists who are licensed under subch. IV of ch. 448.

(b) One public member.

SECTION 5. 15.407 (1) (b) of the statutes is repealed.

SECTION 6. 49.45 (3) (k) of the statutes is amended to read:

49.45 (3) (k) If a physician performs a surgical procedure that is within the scope of practice of a podiatrist, as defined in s. 448.01 (7) 448.60 (3), the allowable charge for the procedure may not exceed the charge the department determines is reasonable.

SECTION 7. 50.09 (6) (b) of the statutes is amended to read:

50.09 (6) (b) Allegations of violations of such rights by persons licensed, certified or registered under chs. 441, 446 to 450, 455 and 456 shall be promptly reported by the facility to the appropriate licensing or examining or affiliated credentialing board and to the person against whom the allegation has been made. Any employee of the facility and any person licensed, certified or registered under chs. 441, 446 to 450, 455 and 456 may also report such allegations to the board. Such board may make further investigation and take such disciplinary action, within the board's statutory authority, as the case requires.

SECTION 8. 50.36 (3) of the statutes is amended to read:

50.36 (3) (a) Any person licensed to practice medicine and surgery under subch. II of ch. 448 or podiatry under ss. 448.05 and 448.06 subch. IV of ch. 448 shall be afforded an equal opportunity to obtain hospital staff privileges and may not be denied hospital staff privileges solely for the reason that the person is an osteopathic physician and surgeon or a podiatrist. Each individual hospital shall retain the right to determine whether the applicant's training, experience and demonstrated competence is sufficient to justify the granting of hospital staff privileges or is sufficient to justify the granting of limited hospital staff privileges.

(b) If, as a result of peer investigation or written notice thereof, a hospital staff member who is licensed by the medical examining board or podiatrists affiliated credentialing board, for any reasons that include the quality of or ability to practice, loses his or her hospital staff privileges, has his or her hospital staff privileges reduced or resigns from the hospital staff, the hospital shall so notify the medical examining board or podiatrists affiliated credentialing board, whichever is applicable, within 30 days after the loss, reduction or resignation takes effect. Temporary suspension due to incomplete records need not be reported.

(c) If, as a result of peer investigation or written notice thereof, a hospital staff member who is licensed by the medical examining board or podiatrists affiliated credentialing board, for reasons that do not include the quality of or ability to practice, loses his or her hospital staff privileges for 30 days or more, has his or her hospital staff privileges reduced for 30 days or more or resigns from the hospital staff for 30 days or more, the hospital shall so notify the medical examining board or podiatrists affiliated credentialing board, whichever is applicable, within 30 days after the loss, reduction or resignation takes effect. Temporary suspension due to incomplete records need not be reported.

SECTION 9. 50.39 (3) of the statutes is amended to read:

50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09, 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s. 938.02 (15m), correctional institutions governed by the department of corrections under s. 301.02 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapists affiliated credentialing board, podiatrists affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 10. 146.37 (1g) of the statutes is amended to read:

146.37 (1g) Except as provided in s. 153.85, no person acting in good faith who participates in the review or evaluation of the services of health care providers or facilities or the charges for such services conducted in connection with any program organized and operated to help improve the quality of health care, to avoid improper utilization of the services of health care providers or facilities or to determine the reasonable charges for such services, or who participates in the obtaining of health care information under ch. 153, is liable for any civil damages as a result of any act or omission by such person in the course of such review or evaluation. Acts and omissions to which this subsection applies include, but are not limited to, acts or omissions by peer review committees or hospital governing bodies in censuring, reprimanding, limiting or revoking hospital staff privileges or notifying the medical examining board or podiatrists affiliated credentialing board under s. 50.36 or taking any other disciplinary action against a health care provider or facility and acts or omissions by a medical director, as defined in s. 146.50 (1) (j), in reviewing the performance of emergency medical technicians or ambulance service providers.

SECTION 11. 146.81 (1) (em) of the statutes is amended to read:

146.81 (1) (em) A dietitian certified under subch. IV V of ch. 448. This paragraph does not apply after June 30, 1999.

SECTION 12. 180.1901 (1m) (bk) of the statutes is created to read:

180.1901 (1m) (bk) Podiatrists affiliated credentialing board under subch. IV of ch. 448.

SECTION 13. 180.1901 (1m) (br) of the statutes is amended to read:

180.1901 (1m) (br) Dietitians affiliated credentialing board under subch. IV V of ch. 448. This paragraph does not apply after June 30, 1999.

SECTION 14. 252.10 (7) of the statutes is amended to read:

252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the department from the appropriation under s. 20.435 (1) (e) and dispensed to patients through the public health dispensaries or through health care providers, as defined in s. 146.81 (1), other than social workers, marriage and family therapists or professional counselors certified under ch. 457, speech–language pathologists or audiologists licensed under subch. II of ch. 459, speech and language pathologists licensed by the department of education or, on or after July 1, 1995, and no later than June 30, 1999, dietitians certified under subch. IV V of ch. 448.

SECTION 15. 252.14 (1) (ar) 4m. of the statutes is amended to read:

252.14 (1) (ar) 4m. A dietitian certified under subch. IV V of ch. 448. This subdivision does not apply after June 30, 1999.

SECTION 16. 448.01 (1) of the statutes is renumbered 448.015 (1).

SECTION 17. 448.01 (2g) of the statutes is amended to read:

448.01 (2g) “Occupational therapist” means an individual who meets the requirements under s. 448.05 (5m) (a) and is certified by the medical examining board to practice occupational therapy.

SECTION 18. 448.01 (2r) of the statutes is amended to read:

448.01 (2r) “Occupational therapy assistant” means an individual who meets the requirements under s. 448.05 (5m) (b) and is certified by the medical examining board to assist in the practice of occupational therapy under the supervision of an occupational therapist.

SECTION 19. 448.01 (5) of the statutes is amended to read:

448.01 (5) “Physician” means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board, and holding a license granted by the medical examining board.

SECTION 20. 448.01 (6) of the statutes is amended to read:

448.01 (6) “Physician assistant” means an individual certified by the medical examining board to perform patient services under the supervision and direction of a licensed physician.

SECTION 21. 448.01 (7) of the statutes is renumbered 448.60 (3) and amended to read:

448.60 (3) “Podiatrist” means an individual possessing the degree of doctor of podiatric medicine or doctor of surgical chiropody or equivalent degree as determined by the affiliated credentialing board, and holding a license to practice podiatry or podiatric medicine and surgery granted by the affiliated credentialing board.

SECTION 22. 448.01 (8) of the statutes is renumbered 448.60 (4) and amended to read:

448.60 (4) “Podiatry” or “podiatric medicine and surgery” means that branch or system of treating the sick which is limited to the diagnosis, or mechanical, medical or surgical treatment or treatment by use of drugs, of the feet, but does not include amputations other than digits of the foot or the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery under subch. II. Diagnosis or treatment shall include no portion of the body above the feet except that diagnosis and treatment shall include the tendons and muscles of the lower leg insofar as they shall be involved in conditions of the feet.

SECTION 23. 448.01 (9g) of the statutes is renumbered 448.015 (2).

SECTION 24. 448.01 (9m) of the statutes is renumbered 448.015 (3).

SECTION 25. 448.01 (11) of the statutes is renumbered 448.015 (4) and amended to read:

448.015 (4) “Unprofessional conduct” means those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b) and any act by a physician ~~or podiatrist~~ in violation of ch. 450 or 961.

SECTION 26. 448.01 (12) of the statutes is amended to read:

448.01 (12) “Warn” means to privately apprise the holder of a license or certificate of the unprofessional nature of the holder’s conduct and admonish the holder that continued or repeated conduct of such nature may give the medical-examining board or an attached affiliated credentialing board cause to reprimand the holder or to limit, suspend or revoke such license or certificate.

SECTION 27. 448.015 (intro.) of the statutes is created to read:

448.015 Definitions. (intro.) In this subchapter:

SECTION 28. 448.02 (1) of the statutes is amended to read:

448.02 (1) LICENSE. The board may grant licenses, including various classes of temporary licenses, to prac-

tice medicine and surgery and to practice podiatric medicine and surgery.

SECTION 29. 448.02 (3) (a) of the statutes is amended to read:

448.02 (3) (a) The board shall investigate allegations of unprofessional conduct and negligence in treatment by persons holding a license, certificate or limited permit granted by the board. An allegation that a physician has violated s. 253.10 (3), 448.30 or 450.13 (2) or has failed to mail or present a medical certification required under s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the subject of the required certificate or that a physician has failed at least 6 times within a 6-month period to mail or present a medical certificate required under s. 69.18 (2) within 6 days after the pronouncement of death of the person who is the subject of the required certificate is an allegation of unprofessional conduct. Information contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 4001.109 (e) and 42 CFR 4001.124 (a) (3) and (b) 1001.2005, shall be investigated by the board. Information contained in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an investigation of the persons a person named in the reports report. The board may require a person holding a license, certificate or limited permit to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its investigation.

SECTION 30. 448.02 (4) of the statutes is amended to read:

448.02 (4) **SUSPENSION PENDING HEARING.** The board may summarily suspend any license, certificate or limited permit granted by the board for a period not to exceed 30 days pending hearing, when the board has in its possession evidence establishing probable cause to believe that the holder of the license, certificate or limited permit has violated the provisions of this ~~chapter~~ subchapter and that it is necessary to suspend the license, certificate or limited permit immediately to protect the public health, safety or welfare. The holder of the license, certificate or limited permit shall be granted an opportunity to be heard during the determination of probable cause. The board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license, certificate or limited permit, but such suspension shall be for a period of time not to exceed 72 hours. If a license, certificate or limited permit has been summarily suspended by the board or any of its officers, the board may, while the hearing is in progress, extend the initial 30-day period of suspension for an additional 30 days. If the holder of the license, certificate or limited permit

has caused a delay in the hearing process, the board may subsequently suspend the license, certificate or limited permit from the time the hearing is commenced until a final decision is issued or may delegate such authority to the hearing examiner.

SECTION 31. 448.02 (6) of the statutes is amended to read:

448.02 (6) **RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT.** The board may restore any license, certificate or limited permit which has been voluntarily surrendered or revoked under any of the provisions of this ~~chapter~~ subchapter, on such terms and conditions as it may deem appropriate.

SECTION 32. 448.03 (1) of the statutes is amended to read:

448.03 (1) **LICENSE REQUIRED TO PRACTICE.** No person may practice medicine and surgery, ~~or podiatry~~, or attempt to do so or make a representation as authorized to do so, without a license granted by the board.

SECTION 33. 448.03 (2) (intro.) of the statutes is amended to read:

448.03 (2) **EXCEPTIONS.** (intro.) Nothing in this ~~chapter~~ subchapter shall be construed either to prohibit, or to require, a license or certificate under this ~~chapter~~ subchapter for any of the following:

SECTION 34. 448.03 (2) (c) of the statutes is amended to read:

448.03 (2) (c) The activities of a medical student, ~~podiatry student~~, respiratory care student or physician assistant student required for such student's education and training, or the activities of a medical school graduate required for training as required in s. 448.05 (2).

SECTION 35. 448.03 (2) (d) of the statutes is amended to read:

448.03 (2) (d) Actual consultation or demonstration by licensed physicians ~~or podiatrists~~ or certified respiratory care practitioners of other states or countries with licensed physicians ~~or podiatrists~~ or certified respiratory care practitioners of this state.

SECTION 36. 448.03 (2) (e) of the statutes is amended to read:

448.03 (2) (e) Any person providing patient services as directed, supervised and inspected by a physician ~~or podiatrist~~ who has the power to direct, decide and oversee the implementation of the patient services rendered.

SECTION 37. 448.03 (3) (c) of the statutes is repealed.

SECTION 38. 448.03 (3) (f) 3. a. of the statutes is amended to read:

448.03 (3) (f) 3. a. The person is licensed or certified as an occupational therapist under the law of another state which has licensure or certification requirements that are determined by the board to be at least as stringent as the requirements of this ~~chapter~~ subchapter.

SECTION 39. 448.03 (3) (g) 3. a. of the statutes is amended to read:

448.03 (3) (g) 3. a. The person is licensed or certified as an occupational therapy assistant under the law of another state which has licensure or certification requirements that are determined by the board to be at least as stringent as the requirements of this ~~chapter~~ subchapter.

SECTION 40. 448.03 (4) (title) of the statutes is repealed.

SECTION 41. 448.03 (4) of the statutes is renumbered 448.01 (9s) and amended to read:

448.01 (9s) ~~In this section, “the scene~~ “Scene of an emergency” means ~~areas~~ an area not within the confines of a hospital or other institution which has hospital facilities or the office of a person licensed, certified or holding a limited permit under this chapter.

SECTION 42. 448.03 (5) (a) of the statutes is amended to read:

448.03 (5) (a) No person licensed or certified under this ~~chapter~~ subchapter shall be liable for any civil damages resulting from such person’s refusal to perform sterilization procedures or to remove or aid in the removal of a human embryo or fetus from a person if such refusal is based on religious or moral precepts.

SECTION 43. 448.04 (1) (c) of the statutes is amended to read:

448.04 (1) (c) *Temporary educational permit to practice medicine and surgery.* Application for a temporary educational permit to practice medicine and surgery may be made to the board by a person who meets the requirements of s. 448.05 (2). Such permit may be issued for a period not to exceed one year and may be renewed annually for not more than 4 years. Such permit shall entitle the holder to take postgraduate educational training in a facility approved by the board. The holder of such permit may, under the direction of a person licensed to practice medicine and surgery in this state, perform services requisite to the training authorized by this section. Acting under such direction, the holder of such permit shall also have the right to prescribe drugs other than narcotics and to sign any certificates, reports or other papers for the use of public authorities which are required of or permitted to persons licensed to practice medicine and surgery. The holder of such permit shall confine training and practice to the facility in which the holder is taking the training. The purpose of this paragraph is solely to provide opportunities in this state for the postgraduate education of certain persons having training in medicine and surgery satisfactory to the board, without compliance with the licensure requirements of this ~~chapter~~ subchapter. Nothing in this paragraph changes in any respect the requirements for licensure to practice medicine and surgery in this state. The violation of this paragraph by the holder of such permit shall constitute cause for the revocation of the permit. All holders of such permits shall be subject to such provisions of this ~~chapter~~ subchapter as the board, by rule, determines are appropriate and to any penalties applicable to those with a temporary or regular license to

practice medicine and surgery. The board may require an applicant for licensure under this paragraph to appear before a member of the board for an interview and oral examination.

SECTION 44. 448.04 (1) (d) of the statutes is repealed.

SECTION 45. 448.04 (3) of the statutes is amended to read:

448.04 (3) **DUPLICATE.** Any person holding a license or certificate granted under this ~~chapter~~ subchapter, which is lost, stolen or destroyed, may apply to the board for a duplicate thereof. Such application shall be made in such manner as the board may designate and shall be accompanied by an affidavit setting out the circumstances of loss. The board shall then issue a duplicate bearing on its face the word “duplicate”.

SECTION 46. 448.05 (1) (d) of the statutes is amended to read:

448.05 (1) (d) Be found qualified by three-fourths of the members of the board, except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. ~~and (d)~~ must be found qualified by 2 members of the board.

SECTION 47. 448.05 (3) of the statutes is repealed.

SECTION 48. 448.07 (1) (a) of the statutes is amended to read:

448.07 (1) (a) Every person licensed or certified under this ~~chapter~~ subchapter shall register on or before November 1 of each odd-numbered year following issuance of the license or certificate with the board in such manner as the board shall designate and upon forms the board shall provide. The secretary of the board, on or before October 1 of each odd-numbered year, shall mail or cause to be mailed to every person required to register a registration form. The board shall furnish to each person registered under this section a certificate of registration, and the person shall display the registration certificate conspicuously in the office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.

SECTION 49. 448.07 (1) (d) of the statutes is amended to read:

448.07 (1) (d) No registration may be permitted by the secretary of the board in the case of any physician, ~~podiatrist~~, occupational therapist or occupational therapy assistant who has failed to meet the requirements of s. 448.13 or any person whose license, certificate or limited permit has been suspended or revoked and the registration of any such person shall be deemed automatically annulled upon receipt by the secretary of the board of a verified report of such suspension or revocation, subject to the licensee’s or permittee’s right of appeal. A person whose license, certificate or limited permit has been suspended or revoked and subsequently restored shall be registered by the board upon tendering a verified report of such restoration of the license, certificate or limited

permit, together with an application for registration and the registration fee.

SECTION 50. 448.07 (2) of the statutes is amended to read:

448.07 (2) FEES. The fees for examination and licenses granted or renewed under this ~~chapter~~ subchapter are specified in ss. 440.05 and 440.08.

SECTION 51. 448.075 (title) of the statutes is renumbered 448.655 (title) and amended to read:

448.655 (title) ~~Podiatrists; malpractice~~ **Malpractice liability insurance.**

SECTION 52. 448.075 (1) (intro.) of the statutes is renumbered 448.655 (1) (intro.) and amended to read:

448.655 (1) (intro.) Every Δ licensed podiatrist shall annually submit to the affiliated credentialing board evidence satisfactory to the affiliated credentialing board of that the podiatrist satisfies one of the following:

SECTION 53. 448.075 (1) (a) of the statutes is renumbered 448.655 (1) (a) and amended to read:

448.655 (1) (a) ~~That the~~ The podiatrist has in effect malpractice liability insurance coverage in the amount of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

SECTION 54. 448.075 (1) (b) (intro.) of the statutes is renumbered 448.655 (1) (b) (intro.) and amended to read:

448.655 (1) (b) (intro.) ~~That the~~ The podiatrist meets all of the following conditions:

1. The podiatrist's principal place of practice is not in this state; that the,

2. The podiatrist will not be engaged in the practice of podiatry in this state for more than 240 hours during the following 12 months; that the,

3. The podiatrist has in effect malpractice liability insurance coverage that covers services provided by the podiatrist to patients in this state; if the podiatrist and which is in one of the following amounts:

a. At least the minimum amount of malpractice liability insurance coverage that is required under the laws of the state in which the affiliated credentialing board determines that his or her principal place of practice is located to have in effect a minimum amount of malpractice liability insurance coverage, that the podiatrist has in effect at least that minimum amount of malpractice liability insurance coverage; and, if,

b. If the podiatrist is not required under the laws of the state in which the affiliated credentialing board determines that his or her principal place of practice is located to have in effect a minimum amount of malpractice liability insurance coverage, that the podiatrist has in effect at least the minimum amount of malpractice liability insurance coverage that the affiliated credentialing board determines is necessary to protect the public.

(2) For purposes of this paragraph sub. (1), a podiatrist's principal place of practice is not in this state if the affiliated credentialing board determines that, during the following 12 months, any of the following applies:

SECTION 55. 448.075 (1) (b) 1., 2. and 3. of the statutes are renumbered 448.655 (2) (a), (b) and (c).

SECTION 56. 448.075 (2) of the statutes is renumbered 448.655 (3) and amended to read:

448.655 (3) The affiliated credentialing board may suspend, revoke or refuse to issue or renew the license of a podiatrist who fails to procure or to submit proof of the malpractice liability insurance coverage required under sub. (1).

SECTION 57. 448.08 (1m) of the statutes is amended to read:

448.08 (1m) FEE SPLITTING. Except as otherwise provided in this section, no person licensed or certified under this ~~chapter~~ subchapter may give or receive, directly or indirectly, to or from any person, firm or corporation any fee, commission, rebate or other form of compensation or anything of value for sending, referring or otherwise inducing a person to communicate with a licensee in a professional capacity, or for any professional services not actually rendered personally or at his or her direction.

SECTION 58. 448.08 (2) of the statutes is amended to read:

448.08 (2) SEPARATE BILLING REQUIRED. Any person licensed under this ~~chapter~~ subchapter who renders any medical or surgical service or assistance whatever, or gives any medical, surgical or any similar advice or assistance whatever to any patient, physician or corporation, or to any other institution or organization of any kind, including a hospital, for which a charge is made to such patient receiving such service, advice or assistance, shall, except as authorized by Title 18 or Title 19 of the federal social security act, render an individual statement or account of the charges therefor directly to such patient, distinct and separate from any statement or account by any physician or other person, who has rendered or who may render any medical, surgical or any similar service whatever, or who has given or may give any medical, surgical or similar advice or assistance to such patient, physician, corporation, or to any other institution or organization of any kind, including a hospital.

SECTION 59. 448.08 (4) of the statutes is amended to read:

448.08 (4) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED. Notwithstanding any other provision in this section, it is lawful for 2 or more physicians or 2 or more podiatrists, who have entered into a bona fide partnership for the practice of medicine or podiatry, to render a single bill for such services in the name of such partnership; and it also is lawful for a service corporation to render a single bill for services in the name of the corporation; provided that each individual physician or podiatrist that renders billed services and each individual licensed, registered or certified under subch. III or IV of this chapter or ch. 446, 449, 450, 455, 457 or 459 that renders billed services is individually identified as having rendered such services.

SECTION 60. 448.09 (1) of the statutes is amended to read:

448.09 (1) **PENALTIES.** Anyone violating s. 448.08 (3) may be fined not more than \$250. Anyone violating any other provision of this ~~chapter~~ subchapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 61. 448.09 (2) of the statutes is amended to read:

448.09 (2) **APPEAL.** Any person aggrieved by any action taken under this ~~chapter~~ subchapter by the board, its officers or its agents may apply for judicial review as provided in ch. 227, and shall file notice of such appeal with the secretary of the board within 30 days. No court of this state may enter an ex parte stay of any action taken by the board under this ~~chapter~~ subchapter.

SECTION 62. 448.10 (2) of the statutes is repealed.

SECTION 63. 448.10 (5) of the statutes is amended to read:

448.10 (5) **MIDWIFERY.** Any person who, on May 7, 1953, was practicing midwifery in this state under a certificate of registration issued by the ~~examining~~ board may continue to so practice under such certificate but subject to the provisions of ch. 150, 1951 stats., as in effect prior to such date and subject to the other provisions of this ~~chapter~~ subchapter.

SECTION 64. 448.11 of the statutes is amended to read:

448.11 Injunction. If it appears upon complaint to the board by any person or if it is known to the board that any person is violating this ~~chapter~~ subchapter, or rules adopted by the board under this ~~chapter~~ subchapter, the board or the attorney general may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state against any such person to enjoin such person from such violation. The attorney general shall represent the board in all proceedings.

SECTION 65. 448.13 (1) of the statutes is amended to read:

448.13 (1) Each physician ~~and each podiatrist~~ shall, in each 2nd year at the time of application for a certificate of registration under s. 448.07, submit proof of attendance at and completion of continuing education programs or courses of study approved for at least 30 hours of credit by the board within the 2 calendar years preceding the calendar year for which the registration is effective. The board may waive this requirement if it finds that exceptional circumstances such as prolonged illness, disability or other similar circumstances have prevented a physician ~~or a podiatrist~~ from meeting the requirement.

SECTION 66. 448.21 (1) (d) of the statutes is amended to read:

448.21 (1) (d) The practice of podiatry within the meaning of s. 448.01 (8) ~~448.60 (4)~~.

SECTION 67. 448.40 (1) of the statutes is amended to read:

448.40 (1) The board may promulgate rules to carry out the purposes of this ~~chapter~~ subchapter.

SECTION 68. Subchapter IV of chapter 448 [precedes 448.70] of the statutes is renumbered subchapter V of chapter 448 [precedes 448.70].

SECTION 69. Subchapter IV of chapter 448 [precedes 448.60] of the statutes is created to read:

CHAPTER 448

SUBCHAPTER IV

PODIATRISTS AFFILIATED

CREDENTIALING BOARD

448.60 Definitions. In this subchapter:

(1) "Affiliated credentialing board" means the podiatrists affiliated credentialing board.

(2) "Licensee" means a person who is licensed under this subchapter.

(5) "Unprofessional conduct" means an act or attempted act of commission or omission, as defined by the affiliated credentialing board by rule under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961.

448.61 License required. Except as provided in s. 448.62, no person may practice podiatry, designate himself or herself as a podiatrist, use or assume the title "doctor of surgical chiropody", "doctor of podiatry" or "doctor of podiatric medicine", or append to the person's name the words or letters "doctor", "Dr.", "D.S.C.", "D.P.M.", "foot doctor", "foot specialist" or any other title, letters or designation which represents or may tend to represent the person as a podiatrist unless the person is licensed under this subchapter.

448.62 Applicability. This subchapter does not require a license for any of the following:

(1) A person lawfully practicing within the scope of a license, permit, registration or certification granted by this state or the federal government.

(2) A person assisting a podiatrist in practice under the direct, on-premises supervision of the podiatrist.

(3) A podiatry student engaged in activities required for his or her education or training.

(4) A podiatrist who is licensed to practice podiatry in another state or country and is providing a consultation or demonstration with a podiatrist who is licensed under this subchapter.

(5) A person performing the gratuitous domestic administration of family remedies.

(6) A person furnishing medical assistance or first aid at the scene of an emergency.

448.63 Licensure of podiatrists. (1) Subject to sub. (4), the affiliated credentialing board shall grant a license as a podiatrist to a person who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the affiliated credentialing

board that the applicant does not have an arrest or conviction record.

(d) Submits evidence satisfactory to the affiliated credentialing board of all of the following:

1. That the applicant is a graduate of a school of podiatric medicine and surgery approved by the affiliated credentialing board and possesses a diploma from such school conferring the degree of doctor of podiatric medicine, or equivalent degree as determined by the affiliated credentialing board, unless the affiliated credentialing board waives these requirements under sub. (2).

2. That the applicant has completed 12 months of postgraduate training in a program approved by the affiliated credentialing board.

(e) Passes an examination under s. 448.64.

(2) The affiliated credentialing board may waive the requirement under sub. (1) (d) 1. for an applicant who establishes, to the satisfaction of the affiliated credentialing board, all of the following:

(a) That he or she is a graduate of a podiatry school.

(b) That he or she is licensed as a podiatrist by another licensing jurisdiction in the United States.

(c) That the jurisdiction in which he or she is licensed required the licensee to be a graduate of a school approved by the licensing jurisdiction or of a school that the licensing jurisdiction evaluated for education equivalency.

(d) That he or she has actively practiced podiatry, under the license issued by the other licensing jurisdiction in the United States, for at least 3 years immediately preceding the date of his or her application.

(3) The affiliated credentialing board may promulgate rules providing for various classes of temporary licenses to practice podiatry.

(4) The affiliated credentialing board may grant a limited license to an applicant for a license under sub. (1) if the affiliated credentialing board finds that the applicant has not demonstrated adequate education, training or performance on any past examination or in any past practice, and that, based upon considerations of public health and safety, the applicant does not qualify for full licensure under sub. (1).

448.64 Examination. (1) The affiliated credentialing board shall conduct or arrange for examinations for podiatrist licensure at least semiannually and at times and places determined by the affiliated credentialing board.

(2) Except as provided in sub. (3), examinations shall consist of written or oral tests, or both, requiring an applicant to demonstrate minimum competency in subjects substantially related to the practice of podiatry.

(3) The affiliated credentialing board may not require an applicant to take an oral examination or an examination to test proficiency in the English language for the sole reason that the applicant was educated at a podiatry school that is not in the United States if the applicant establishes, to the satisfaction of the affiliated credentialing

board, that he or she satisfies the requirements under s. 448.63 (2).

(4) The affiliated credentialing board may require an applicant who fails to appear for or to complete an examination under this section to reapply for licensure before being admitted to a subsequent examination.

(5) An applicant who fails to pass an examination under this section may request reexamination, and may be reexamined not more than twice at not less than 4-month intervals, and shall pay a reexamination fee for each reexamination. An applicant who fails to pass an examination on the 2nd such reexamination may not be admitted to further examination until the applicant reapplies for licensure and submits evidence that shows, to the satisfaction of the affiliated credentialing board, that he or she has completed additional education or received additional professional training.

448.65 Issuance of license; expiration and renewal; duplicate license. (1) The department shall issue a certificate of licensure to each person who is licensed under this subchapter.

(2) The renewal date for a license granted under this subchapter, other than a temporary license granted under rules promulgated under s. 448.63 (3), is specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall be accompanied by all of the following:

(a) The renewal fee specified in s. 440.08 (2) (a).

(b) Proof of completion of continuing education requirements in s. 448.665.

(3) A licensee whose license is lost, stolen or destroyed may apply to the department for a duplicate license. Duplicate license applications shall be submitted to the department on a form provided by the department and shall be accompanied by the fee specified under s. 440.05 (7) and an affidavit setting out the circumstances of the loss, theft or destruction of the license. Upon receipt of an application under this subsection, the department shall issue a duplicate license bearing on its face the word "duplicate".

448.66 Malpractice. A person who practices podiatry without having a license under this subchapter may be liable for malpractice, and his or her ignorance of a duty ordinarily performed by a licensed podiatrist shall not limit his or her liability for an injury arising from his or her practice of podiatry.

448.665 Continuing education. The affiliated credentialing board shall promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter. The rules shall require a licensee to complete at least 30 hours of continuing education programs or courses of study within each 2-year period immediately preceding the renewal date specified under s. 440.08 (2)

(a). The affiliated credentialing board may waive all or part of these requirements for the completion of continuing education programs or courses of study if the affiliated credentialing board determines that prolonged illness, disability or other exceptional circumstances have prevented a licensee from completing the requirements.

448.67 Practice requirements. (1) FEE SPLITTING. No licensee may give or receive, directly or indirectly, to or from any other person any fee, commission, rebate or other form of compensation or anything of value for sending, referring or otherwise inducing a person to communicate with a licensee in a professional capacity, or for any professional services not actually rendered personally by the licensee or at the licensee's direction.

(2) SEPARATE BILLING REQUIRED. Except as provided in sub. (4), a licensee who renders any podiatric service or assistance whatever, or gives any podiatric advice or any similar advice or assistance whatever, to any patient, podiatrist, physician, partnership or corporation, or to any other institution or organization of any kind, including a hospital, for which a charge is made to a patient, shall, except as authorized by Title 18 or Title 19 of the federal Social Security Act, render an individual statement or account of the charge directly to the patient, distinct and separate from any statement or account by any other podiatrist, physician or other person.

(3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE. A licensee who charges a patient, other person or 3rd-party payer for services performed by the state laboratory of hygiene shall identify the actual amount charged by the state laboratory of hygiene and shall restrict charges for those services to that amount.

(4) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS. If 2 or more podiatrists have entered into a bona fide partnership or formed a service corporation for the practice of podiatry, the partnership or corporation may not render a single bill for podiatry services provided in the name of the partnership or corporation unless each individual licensed, registered or certified under this chapter or ch. 446, 449, 450, 455, 457 or 459, who provided services is individually identified on the bill as having rendered those services.

448.675 Disciplinary proceedings and actions. (1) INVESTIGATION; HEARING; ACTION. (a) The affiliated credentialing board shall investigate allegations of unprofessional conduct and negligence in treatment by a licensee. Information contained in reports filed with the affiliated credentialing board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under [42 CFR 1001.2005](#), shall be investigated by the affiliated credentialing board. Information contained in a report filed with the affiliated credentialing board under s. 50.36 (3) (c) may, within the discretion of the affiliated credentialing board, be used as the basis of an investigation of a person named in the report. The affiliated credentialing board may require a licensee to undergo and may consider the

results of a physical, mental or professional competency examination if the affiliated credentialing board believes that the results of the examination may be useful to the affiliated credentialing board in conducting its investigation.

(b) After an investigation, if the affiliated credentialing board finds that there is probable cause to believe that the person is guilty of unprofessional conduct or negligence in treatment, the affiliated credentialing board shall hold a hearing on such conduct. The affiliated credentialing board may require a licensee to undergo and may consider the results of a physical, mental or professional competency examination if the affiliated credentialing board believes that the results of the examination may be useful to the affiliated credentialing board in conducting its hearing. A finding by a court that a podiatrist has acted negligently in treating a patient is conclusive evidence that the podiatrist is guilty of negligence in treatment. A certified copy of the order of a court is presumptive evidence that the finding of negligence in treatment was made. The affiliated credentialing board shall render a decision within 90 days after the date on which the hearing is held or, if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the date on which those proceedings are completed.

(c) After a disciplinary hearing, the affiliated credentialing board may, when it determines that a court has found that a person has been negligent in treating a patient or when it finds a person guilty of unprofessional conduct or negligence in treatment, do one or more of the following: warn or reprimand that person, or limit, suspend or revoke a license granted by the affiliated credentialing board to that person. The affiliated credentialing board may condition the removal of limitations on a license, or the restoration of a suspended or revoked license, upon obtaining minimum results specified by the affiliated credentialing board on a physical, mental or professional competency examination if the affiliated credentialing board believes that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

(d) A person whose license is limited shall be permitted to continue practice if the person agrees to do all of the following:

1. Refrain from engaging in unprofessional conduct.
2. Appear before the affiliated credentialing board or its officers or agents at such times and places designated by the affiliated credentialing board.
3. Fully disclose to the affiliated credentialing board or its officers or agents the nature of the person's practice and conduct.
4. Fully comply with the limits placed on his or her practice and conduct by the affiliated credentialing board.

5. Obtain additional training, education or supervision required by the affiliated credentialing board.

6. Cooperate with the affiliated credentialing board.

(e) Unless a suspended license is revoked during the period of suspension, upon expiration of the period of suspension the affiliated credentialing board shall reinstate the person's license, except that the affiliated credentialing board may, as a condition precedent to the reinstatement of the license, require the person to pass the examinations required for the original grant of the license.

(f) The affiliated credentialing board shall comply with rules of procedure for the investigation, hearing and action promulgated by the department under s. 440.03 (1).

(g) Nothing in this subsection prohibits the affiliated credentialing board, in its discretion, from investigating and conducting disciplinary proceedings on allegations of unprofessional conduct by a licensee when the allegations of unprofessional conduct may also constitute allegations of negligence in treatment.

(2) **SUSPENSION PENDING HEARING.** The affiliated credentialing board may summarily suspend a license granted by the affiliated credentialing board for a period not to exceed 30 days pending hearing if the affiliated credentialing board has in its possession evidence establishing probable cause to believe that the licensee has violated the provisions of this subchapter and that it is necessary to suspend the license immediately to protect the public health, safety or welfare. The licensee shall be granted an opportunity to be heard during the determination of whether or not probable cause exists. The affiliated credentialing board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license, for a period not exceeding 72 hours. If a license has been summarily suspended by the affiliated credentialing board or any of its officers, the affiliated credentialing board may, while the hearing is in progress, extend the initial period of suspension for not more than an additional 30 days. If the licensee has caused a delay in the hearing process, the affiliated credentialing board may subsequently suspend the license from the time the hearing is commenced until a final decision is issued or may delegate such authority to the hearing examiner.

(3) **VOLUNTARY SURRENDER.** A licensee may voluntarily surrender his or her license to the secretary of the affiliated credentialing board, but the secretary may refuse to accept the surrender if the affiliated credentialing board has received an allegation of unprofessional conduct against the licensee. The affiliated credentialing board may negotiate stipulations in consideration for accepting the surrender of a license.

(4) **RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT.** The affiliated credentialing board may restore a license which has been voluntarily surrendered or re-

voked under this subchapter on such terms and conditions as it considers appropriate.

448.68 Hospital reports. (1) Within 30 days after receipt of a report under s. 50.36 (3) (c), the affiliated credentialing board shall notify the licensee, in writing, of the substance of the report. The licensee and the licensee's authorized representative may examine the report and may place into the record a statement, of reasonable length, of the licensee's view of the correctness or relevance of any information in the report. The licensee may institute an action in circuit court to amend or expunge any part of the licensee's record related to the report.

(2) If the affiliated credentialing board determines that a report submitted under s. 50.36 (3) (c) is without merit or that the licensee has sufficiently improved his or her conduct, the affiliated credentialing board shall remove the report from the licensee's record. If no report about a licensee is filed under s. 50.36 (3) (c) for 2 consecutive years, the licensee may petition the affiliated credentialing board to remove any prior reports, which did not result in disciplinary action, from his or her record.

(3) Upon the request of a hospital, the affiliated credentialing board shall provide the hospital with all information relating to a licensee's loss, reduction or suspension of staff privileges from other hospitals and all information relating to the licensee's being found guilty of unprofessional conduct. In this subsection, "hospital" has the meaning specified under s. 50.33 (2).

448.685 Injunctive relief. If the affiliated credentialing board has reason to believe that a person is violating this subchapter or a rule promulgated under this subchapter, the affiliated credentialing board, the department, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

448.69 Penalties; appeal. (1) **PENALTIES.** (a) Except as provided in par. (b), a person who violates any provision of this subchapter or a rule promulgated under this subchapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b) A person who violates s. 448.67 (3) may be fined not more than \$250.

(2) **APPEAL.** A person aggrieved by an action taken under this subchapter by the affiliated credentialing board, its officers or its agents may apply for judicial review as provided in ch. 227, and shall file notice of such appeal with the secretary of the affiliated credentialing board within 30 days. No court of this state may enter an ex parte stay of an action taken by the affiliated credentialing board under this subchapter.

448.695 Rules. (1) The affiliated credentialing board shall promulgate rules defining the acts or attempted acts of commission or omission that constitute unprofessional conduct under s. 448.60 (5).

(2) The affiliated credentialing board may promulgate rules to carry out the purposes of this subchapter.

SECTION 70. 448.86 (1) of the statutes is amended to read:

448.86 (1) The department shall issue a certificate to each individual who is certified under this ~~chapter~~ subchapter.

SECTION 71. 450.10 (3) (a) 5m. of the statutes is amended to read:

450.10 (3) (a) 5m. A dietitian certified under subch. IV V of ch. 448. This subdivision does not apply after June 30, 1999.

SECTION 72. 450.11 (8) (b) of the statutes is amended to read:

450.11 (8) (b) The medical examining board, insofar as this section applies to physicians ~~or podiatrists~~.

SECTION 73. 450.11 (8) (bm) of the statutes is created to read:

450.11 (8) (bm) The podiatrists affiliated credentialing board, insofar as this section applies to podiatrists.

SECTION 74. 632.895 (1) (b) 5. b. of the statutes is amended to read:

632.895 (1) (b) 5. b. A dietitian certified under subch. IV V of ch. 448, if the nutrition counseling is provided on or after July 1, 1995, and no later than June 30, 1999.

SECTION 75. 655.45 (1) of the statutes is amended to read:

655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter thereafter, the director of state courts shall file reports complying with sub. (2) with the medical examining board, the physical therapists affiliated credentialing board, the podiatrists affiliated credentialing board, the board of nursing and the department, respectively, regarding health care providers licensed by the respective bodies.

SECTION 76. Nonstatutory provisions; podiatrists affiliated credentialing board.

(1) INITIAL APPOINTMENTS. Notwithstanding the length of terms specified in section 15.406 (3) (intro.) of the statutes, as created by this act, the initial members of the podiatrists affiliated credentialing board shall be appointed by the first day of the 4th month beginning after the effective date of this subsection for the following terms:

(a) One podiatrist, for a term expiring on July 1, 2000.

(b) One podiatrist, for a term expiring on July 1, 2001.

(c) The public member, for a term expiring on July 1, 2002.

(d) One podiatrist, for a term expiring on July 1, 2003.

(2) TRANSFER OF AUTHORITY AND RECORDS FROM MEDICAL EXAMINING BOARD; TRANSITIONAL PROVISIONS.

(a) *Definitions.* In this subsection:

1. "Affiliated credentialing board" means the podiatrists affiliated credentialing board.

2. "Examining board" means the medical examining board.

(b) *Transitional provisions.* During the period beginning on the effective date of this paragraph and ending on the first day of the 7th month beginning after the effective date of this paragraph, the examining board shall cooperate with the affiliated credentialing board in providing orderly and efficient transfers under this subsection. On the first day of the 7th month beginning after the effective date of this paragraph, all of the following apply:

1. The assets and liabilities of the examining board pertaining to the regulation of podiatrists shall become the assets and liabilities of the affiliated credentialing board.

2. All tangible personal property, including records, of the examining board pertaining to the regulation of podiatrists is transferred to the affiliated credentialing board.

3. All rules pertaining to the regulation of podiatrists that have been promulgated by the examining board and that are in effect shall become rules of the affiliated credentialing board and shall remain in effect until their specified expiration dates or until amended or repealed by the affiliated credentialing board. All orders pertaining to the regulation of podiatrists that have been issued by the examining board and that are in effect shall become orders of the affiliated credentialing board and shall remain in effect until their specified expiration dates or until modified or rescinded by the affiliated credentialing board.

4. Any matter relating to the regulation of podiatrists that is pending with the examining board is transferred to the affiliated credentialing board, and all materials submitted to or actions taken by the examining board with respect to the pending matter are considered to have been submitted to or taken by the affiliated credentialing board.

5. Notwithstanding section 448.63 (1) of the statutes, as created by this act, a person who, on the day before the first day of the 7th month beginning after the effective date of this subdivision, is licensed as a podiatrist by the examining board under subchapter II of chapter 448 of the statutes is considered to be licensed under subchapter IV of chapter 448 of the statutes, as created by this act, without meeting any of the requirements of section 448.63 of the statutes, as created by this act, and the department of regulation and licensing shall issue to the person, as appropriate, a certificate of licensure under section 448.65 (1) of the statutes, as created by this act, or a temporary license under section 448.63 (3) of the statutes, as created by this act.

SECTION 77. Effective dates. This act takes effect on the first day of the 7th month beginning after publication, except as follows:

(1) The treatment of section 15.406 (3) of the statutes and SECTION 76 of this act take effect on the day after publication.
